

**761—115.27 (306A) First plan submission, preliminary work plan and agreement.**

**115.27(1) *First plan.*** The department shall submit its first plan to the owner of each known utility facility within the project limits. The first plan shall contain information the owner needs in order to design and lay out the adjustment of its utility facilities, including the placement of adjusted or additional facilities, within the project limits.

**115.27(2) *Preliminary work plan.*** Within 90 calendar days after the date the department submits its first plan, the utility owner shall provide to the department a preliminary work plan.

*a.* The preliminary work plan shall include the following:

(1) A narrative description of what work the utility owner will do.

(2) A drawing showing the present and proposed locations of the utility owner's facilities in relation to the highway plan.

(3) Whether the work is dependent on work by another utility owner.

(4) Whether the work can be done prior to highway construction or must be coordinated with the highway contractor.

(5) The number of working days required to complete the work.

(6) A list of permits and approvals the utility owner is required to obtain from governmental agencies and railroad companies for the work, and the expected time schedule to obtain them.

*b.* If the utility adjustment work is reimbursable, the utility owner shall submit with the preliminary work plan the following:

(1) Copies of documents verifying real estate interests.

(2) A detailed cost estimate for the adjustment, including appropriate credits for betterments or salvage.

**115.27(3) *Department review of preliminary work plan.*** The department shall review each utility owner's preliminary work plan to ensure compatibility with utility accommodation permit requirements, the plans for the highway improvement project, and the construction schedule.

**115.27(4) *Conflict between preliminary work plans.*** When requested by the utility owners or when the department determines there is potential for conflict between preliminary work plans, the department shall schedule a coordination meeting. All affected utility owners shall attend the meeting to coordinate their work plans. The department may allow a utility owner an additional 30 calendar days to submit its preliminary work plan if coordination is required with other utility owners.

**115.27(5) *Acceptance of preliminary work plan.*** The department shall notify the utility owner of the department's acceptance of the utility owner's preliminary work plan.

*a.* If the preliminary work plan is not acceptable to the department, the department shall notify the utility owner that the plan is not acceptable and provide a detailed explanation of the problem.

*b.* The utility owner shall submit a revised preliminary work plan to the department within 30 calendar days after its receipt of notice from the department that the plan was not acceptable.

*c.* The department shall review the revised preliminary work plan. If the work plan is acceptable, the department shall notify the utility owner of the department's acceptance of the plan.

*d.* If the work plan is still not acceptable, the process set out in 115.27(5) "a" to "c" shall be repeated.

**115.27(6) *Agreement.***

*a.* The department shall enter into an agreement with the utility owner if the adjustment is eligible for reimbursement.

*b.* The agreement by itself does not constitute a permit nor does it grant permission to occupy the primary highway right-of-way. The utility owner is responsible for obtaining a utility accommodation permit prior to commencing work within the right-of-way. The agreement will then be attached to and become part of the permit.